

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION

FILED

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HORACE CROCKETT,

Plaintiff,

vs.

MR. BRYANT, et.al.,

Defendant.

U.S. DISTRICT COURT  
N.D. OF ALABAMA

CASE NO. CV 00 S-3084-NE

*JW*  
**ENTERED**  
AUG 26 2002

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on June 18, 2001, recommending that this action filed pursuant to 42 U.S.C. § 1983 against defendants Bryant, Warren, Bowick, Gooed, Wise, Sticker and Hendon be dismissed as frivolous under 28 U.S.C. § 1915A(b). The plaintiff filed objections to the report and recommendation on June 22, 2001. (Document #16).

Subsequent to the magistrate judge's report and recommendation and the plaintiff's objections regarding the original report and recommendation, plaintiff was allowed to amend his complaint (Document # 21) in order to allege claims against Dr. Simon (also spelled "Simmon"), a physician at Limestone Correctional Facility, as well as Limestone Correctional Facility Health Care Unit.<sup>1</sup> Plaintiff also requested a restraining order (Document #23) against Bullock County Correctional Facility Officer Shepard. The magistrate judge filed a supplemental report and recommendation on July 22, 2002, recommending that the claims against Dr. Simon and Limestone Correctional Facility Health Care Unit be dismissed for failing to state a claim upon which relief can

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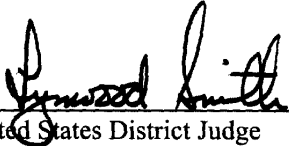
<sup>1</sup> In fact, plaintiff filed a separate action alleging Eighth Amendment violations against Dr. Simon for her failure to adequately address his optical infirmities. See *Crockett v. Simmon*, CV 01-N-0512-W. Because the plaintiff's underlying claims in the separate action mirrored his medical complaints in the above action, the district court ordered that *Crockett v. Simmon*, CV 01-N-0512-W be administratively dismissed, and the complaint against Dr. Simmon be filed and considered an amended complaint in the present action.

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be dismissed pursuant to 28 U.S.C. § 1915A(b)(1). The magistrate judge further recommended that plaintiff's request for a restraining order be denied. No objections were filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, and objections thereto, as well as the supplemental report and recommendation, this court is of the opinion that the magistrate judge's reports are due to be adopted and the recommendations are due to be accepted. Accordingly, all claims against all defendants in both the original and amended complaints are due to be DISMISSED as frivolous and for failing to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915A(b). Moreover, the plaintiff's request for a restraining order (Document # 23) is due to be DENIED. An appropriate order will be entered.

DONE this 26<sup>th</sup> day of August, 2002.

  
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United States District Judge